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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,313	10/27/2001	Shahram Shariff	006593-01953	2119
33375	7590	12/15/2003	EXAMINER	
THOMPSON HINE LLP 2000 COURTHOUSE PLAZA N.E. 10 WEST SECOND STREET DAYTON, OH 45402-1758			ASHLEY, BOYER DOLINGER	
			ART UNIT	PAPER NUMBER
			3724	8
DATE MAILED: 12/15/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/039,313	SHARIFF ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Boyer D. Ashley	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 11-15 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                     |

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I (claims 1-10) in Paper No. 7 is acknowledged.
2. Claims 11-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 7.

### ***Claim Objections***

3. Claim 4 is objected to because of the following informalities:  
The phrase "wherein each of said teeth has a length of between..." is awkwardly worded. Better language would be "... wherein said plurality of each have a length of between...". Furthermore, the use of English units alone without the use of metric units does not conform to MPEP 608, "all patent applicants should use the metric (S.I.) units followed by the equivalent English units when describing their inventions in the specifications of patent applications". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 2 and 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, there is no positive antecedent basis for "the adjacent components". Better language would be "... said wave washer urges said handle away from said gripping plate and/or said feed arm".

In claim 2, there is no positive antecedent basis for "the front side"; shouldn't this be "said front surface".

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 3, and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al., U.S. Patent 2,573,861, in view of Leibundgut et al., U.S. Patent 4,021,914, or Parrish et al., U.S. Patent Application 2002/0066189.

Meeker et al. discloses the invention substantially as claimed including: a gripping plate (90/112) having a front surface (shown with teeth in Figures 1-3) and a rear surface (shown opposite the front in Figures 1-3), such that the front surface is shaped to grip a food product (see Figures 1-3, the teeth 91 grip food products); said plate including an attachment portion (93/99/102/101) extending generally outwardly from the rear surface; a handle (95) having an opening shaped to releasably receive the attachment portion; and a feed arm (80) including a pair of annulus (see Figures 4 and 5), a first one (see Figure 4) of said annulus being shaped to be generally located

between the handle and said gripping plate, a second one (see Figure 5) of said annulus being capable of receiving a slide rod (77) of a slicer.

Meeker et al. lacks the attachment portion that includes a pair of opposed, generally laterally extending legs with feet and a handle that is shaped to receive the feet of the attachment portion. However, Leibundgut et al. and Parrish et al. both discloses that it is old and well known in the art to use elongated attachment portions with opposed laterally extending legs with feet that engage corresponding feet detents for the purpose of releasably connecting handles to cutting tools such that the handles are easily removable. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace the elongated attachment bar of Meeker et al. with elongated opposed legs with feet that engage corresponding feet detents in order to provide a quick releasable handle connection.

As to claim 3, the modified device of Meeker et al. discloses the use of teeth extending generally forwardly from the front surface, see Figures 2, 4, and 6.

As to claim 5, the modified device of Meeker et al. discloses the of the first annulus being shaped to receive the attachment portion of the gripping plate therethrough.

As to claim 6, the modified device of Meeker et al. discloses the use of a connection arm (see Figure 1 of Meeker et al.) coupled to and extending between both of the annulus.

As to claim 8, the modified device of Meeker et al. discloses the use of feet that extend generally outwardly from it's associated leg and includes a curved outer surface.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al. in view of Leibundgut et al. or Parrish et al. as applied to claim 1 above, and further in view of the Hobart Catalog of replacement parts, hereinafter Hobart, and Kondo et al., U.S. Patent 5,622,035, or Maughan, U.S. Patent 5,607,249.

The modified device of Meeker et al. discloses the invention substantially as claimed except for a wave washer located between the handle and the feed arm or between the feed arm and the gripping plate such that the handle is urged away from the plate and/or the feed arm.

The modified device of Meeker et al. does however teach the need for a spring for to urge the handle away from the connection site such that the opposed feet are frictionally engaged with the feet detents. The Hobart discloses that it is old and well known in the art to use washers between feed arms and handle for the purpose of facilitating the attachment between the handle and the feed arm. Kondo et al. and Maughan both discloses that it is old and well known in the art to use wave washers for the purpose of urging two attached elements away from each other such that the connection is facilitated. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a wave washer between the feed arm and the handle of the modified device of Meeker et al. in order to urge the feed arm and handle away from each other such that the opposed feet of attachment portion are frictionally engaged with the feet detents thereby facilitating the connection between the handle and the attachment portion.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al., U.S. Patent 2,573,861, in view of Leibundgut et al., U.S. Patent 4,021,914, or Parrish et al., U.S. Patent Application 2002/0066189, as explained above regarding claims 1 and 3 and further in view of the following.

The modified device of Meeker et al. discloses the invention substantially as claimed except for the specific teeth length between about 0.35 and about 0.40 inches and for the specific tip diameter between about 0.05 inches to about .15 inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the teeth with a length between .35 and .4 inches as well as making the tip diameter between .05 inches and .15 inches for the purpose of facilitating gripping of a food product depending upon the type of food product being cut, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and because such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

10. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al., U.S. Patent 2,573,861, in view of Leibundgut et al., U.S. Patent 4,021,914, or Parrish et al., U.S. Patent Application 2002/0066189, as explained above regarding claim 1 and further in view of the following.

The modified device of Meeker et al. discloses the invention substantially as claimed except for the opening in the handle having a generally inwardly tapered

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sidewall. However, the examiner takes official notice that it is old and well known in the art to use tapered openings in conjunction with connections that include resilient legs with feet that engage foot detents for the purpose of facilitate movement of the legs into the locked position. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use tapered side walls with the modified device of Meeker et al. in order to facilitate movement of the legs into the locked position.

As to claim 10, the modified device of Meeker et al. discloses the invention substantially as claimed except for the second one of the annulus contributing at least 50 percent of the weight of the feed grip. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the second annulus with at least 50 percent of the weight of the feed grip in order to a user's ease in rotating the feed grip by reducing the amount of weight the user would need to lift, because it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

### ***Conclusion***

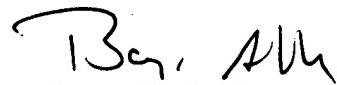
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 703-308-1845. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Boyer D. Ashley  
Primary Examiner  
Art Unit 3724

BDA  
8 December 2003